

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GEORGIA MENOUNOUS and
NICKOLAOS MENOUNOUS,

Plaintiffs,

ORDER OF REMAND
11-CV-4381(RRM)(CLP)

-against-

OLYMPIC AIR,
OLYMPIC AIRLINES,
DELTA AIR LINES, INC.,
ALSTATE MAINTENANCE LLC and
JFK INTERNATIONAL AIR TERMINAL LLC,

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge:

This personal injury action was commenced on or about August 10, 2011 with the filing in the Supreme Court of the State of New York, County of Queens of a Summons and Verified Complaint. On September 12, 2011, defendant Delta Airlines removed this action to this Court, citing as the basis for removal this Court's diversity jurisdiction pursuant to 28 U.S.C. §§ 1332(a) and 1441(b). Four other defendants named in the state court action have not joined in the removal.

By Order to Show Cause issued September 13, 2011, the Court Ordered defendant Delta Airlines to Show Cause in writing, on or before September 20, 2011, why this action should not be remanded to the Supreme Court of the State of New York, County of Queens for reasons set forth in the Court's Order. In responses filed on September 20, 2011 and October 5, 2011,¹ defendant Delta Airlines, through counsel, concedes that "this matter does not appear to be subject to removal based upon diversity jurisdiction grounds under 28 U.S.C. § 1441(b) because

¹ On September 23, 2011, the Court granted defendant Delta Airlines additional time to show cause.

defendant Alstate Maintenance, LLC's members are citizens of the State of New York." (Ltr. of John O. Brennan, Oct. 5, 2011 (Doc. No. 9) at 2.)

As such, this Court hereby ORDERS that this action be immediately REMANDED TO THE SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF QUEENS, and that the Clerk of Court close the file in this Court.

SO ORDERED.

Dated: Brooklyn, New York
September 13, 2011

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge